

Notice Of Claim

MAR 03 2014

Office of Labor Relations
& Legal Counsel

- 1.) That, I Reside in City of Buffalo, County of Erie, State of New York.
- 2.) That, I founded Brotherman's Progress mentors matter Advocacy Organization to advocate on behalf of at Risk minority male ^{see exhibit # 1.}
- 3.) That, I joined District Parent Coordination Council of Buffalo Public Schools in 2011.
- 4.) That, Buffalo Board of Education President Ralph Hernandez agreed to respond to a set of written questions I prepared as regarding Board of Education (hereafter BOE) policies toward mentoring minority male. ^{see exhibit # 2.}
- 5.) That, Ralph Hernandez did not immediately respond and thereby, the task fell upon new BOE President Lou Petrucci, who responded via letter dated 12-11-2011. ^{see exhibit # 3.}
- 6.) That, in his letter, Lou Petrucci answers my inquiries as to mentoring male student and also acknowledged that due to my advocacy on their behalf, I had been appointed to a newly established mentoring Committee

chaired by Charles Brandy ... With Respect to the achievement of males of African descent in Buffalo Public Schools (hereafter BPS) We are not where anyone wants to be. We need to see great improvements."

- 7.) That, I sat down with Charles Brandy (who had been appointed to Chair the BPS Mentor Committee by Interim Superintendent Amber Dixon) and instructed to contact me in order to build the committee and come up with Comprehensive District Wide mentor Program and policies with emphasis on minority male students.
 - 8.) That, Gail Wells, employee of Buffalo State College joined our committee at the behest of Dr. Hunter a Buffalo State Professor who formerly worked with us.
 - 9.) That, Tracy Cooley joined our Committee and served as secretary and coordinator.
 - 10.) That, ~~Director~~ Will Kerester, Director of Student Services interacted with our committee.
 - 11.) That as a result of my Brotherman's
- (2)

Progress mentoring, matters advocacy on behalf of minority males in BPS, I sought help from BOE members Lou Petrucci and Ralph Hernandez in Spring of 2013, in sponsoring a BOE Resolution "Conduct an Impact Study and Cost Analysis Study of the 5000 Role Models of Excellence Project" ^{see exhibit #4.}

✓ 12.) That, after the resolution was passed, Lou Petrucci via email discussed the need for me to put together a business plan amongst other Considerations. ^{see exhibit #5.}

✓ 13.) That, BPS Mentor Committee secretary Tracy Cooley offered to assist me with formulating Business Plan ^{see exhibit #6.}

14.) That, BOE President Barbara A. Nevergold supported implementation of 5000 Role Models of Excellence Project in BPS. ^{see exhibit #7.}

✓ 15.) That, by letter dated 8-13-13, Ellicott District Councilmember Darius Pridgen endorsed the need for "diversity" and implementing 5000 Role Models of Excellence Project in BPS, while also agreeing to "serve in advisory capacity" on a distinguished

steering committee that I was putting together to assure success.
see exhibit # 8.

16.) That, many distinguished community leaders supported our initiative, such as Erie County Sheriff Tim Howard, Phil Rumore of BTF, Carl Paladino and Erie County Legislator Tim Hogue, along with David Rust of Sayre
see exhibit #9

✓ 17.) That, a key player regarding my business plan was 5000 Role Models of Excellence Project founder Congresswoman Frederica S. Wilson who wrote an August 16, 2013 letter "In Congress I am working to bring the 5000 Role Models of Excellence Project to a national scale. I informed the member of the school board that I would be delighted to come to Buffalo to help move this initiative forward."
see exhibit #10

✓ 18.) That, at the 9-11-13 Speakers List BOE meeting I requested that a letter of invitation be sent to Congresswoman Wilson and that Supt. Brown publicly agreed to do it.
see exhibit #11.

✓ 19.) That, on 9-26-2013, I hand delivered a letter to Supt. Brown's office enquiring as to when she would be sending the agreed upon

letter, and informed her that I had attended a Congressional Black Caucus Educational forum having been invited by congresswoman Wilson to meet Key Players
see exhibit #12

- 20) That by ^{email} letters dated 9-11-13, ⁺⁹⁻²¹⁻¹³ I had also asked Supt. Brown to send me a copy when the letter would be sent out to Cong. Wilson, so that I could share it with community stakeholders.
see exhibit #13
- 21) That, at the 11-13-13 BOE Speakers fest again I took the opportunity to ask Supt. Brown, just why had she not sent out the above referenced letter as promised.
see exhibit #14
- 22) That, Supt. Brown's response was that she had received a "Committee report" from Committee Chairman Charles Brandy as regarding the Impact Study/Cost Analysis.
- 23) That, I informed Supt. Brown that any "report" presented to her by Charles Brandy should be viewed with suspicion since no other BPS Mentor Committee members had participated in the compilation of "report."
- 24) That, at this same 11-13-13 BOE Speakers

last meeting I had requested a copy of the so-called "committee report" from Supt. Brown and Charles Brandy who had attended the public meeting.

- ✓ 25.) That, I wrote a 6 page ¹¹⁻²⁷⁻¹³ follow-up letter to Supt. Brown and hand-delivered it to her office _{see exhibit # 15}
- 26.) That, the 6 page follow-up letter amongs other considerations informed Supt. Brown that Brandy's report was "bogus" and again demanded that I be given a copy so that I may properly respond to it and ask BOE for investigation of fraud if Supt. Brown denied myself and stakeholders seeking to empower minority males in BPS our due process rights. Copies of this 11-27-13 letter were placed in mail boxes of Dr. Karen Tigg; Mr. Paladino and Dr. Barbara A. Newgold of BOE.
- 27.) That, I received an email response stating that "Dr. Brown would like to meet with you on Dec 4, 2013, at 3:30 PM" (15 minutes). _{see exhibit # 16}
- 28.) That, I responded I could make meeting however "it is imperative that I immediately receive a copy of the so-called impact study cost analysis bogus

report submitted to Supt Brown without my participation and knowledge." ^{see exhibit #16.}

29) That, on Dec 3, 2013, Supt. Brown sent email "Please see the committee's report attached - I look forward to meeting with you tomorrow." ^{see exhibit #17.}

30) That, I maintained Charles Brandy was intentionally being deceptive in his arbitrary report which was done without the knowledge or assistance of any other BPS Mentor Committee members. A copy of Charles Brandy's "Committee report" of 11-12-13 is attached. ^{see exhibit #18.}

31) That, during our Dec 4, 2013 meeting (15 minutes allotted) Supt. Brown was informed by assistant Elaine Cala that she had another engagement to attend. Supt. Brown refused to take the time to read any of the documentary evidence I offered to prove Charles Brandy had intentionally misled her in composing his arbitrary and false report.

32) That, I offered to leave her copies of the material documents that exposed Charles

Brandy's "Committee Report" of November 12, 2013 as fraudulent, but she refused to accept my documents offering the excuse that she had already turned Charles Brandy's "Committee Report" over to BOE. I then asked her why did she schedule this 15 minute meeting if she had no intention of dealing with my claim that Charles Brandy had intentionally misrepresented the facts as regarding his "Committee report".

33) That, When I asked Supt. Brown why she had not kept her word and sent out the agreed upon invitation to Congresswoman Wilson weeks ago - she replied to my astonishment "How do you know that I wanted that woman to come here in the first place." Our meeting was over.

34) That, on the evening of the above meeting I sent Supt. Brown an email placing her on notice that by no means was this matter over as she was wrong in telling me that there could be no appeal of her decision not to accept my material documents which prove that Charles Brandy intentionally misrepresented the

forces in her 11-12-13 "Committee Report" in which he stated I had "Care[d] all communications." See exhibit # 19

35) That, The material evidence and documents which I tried to present to Supt. Brown during our meeting of December 4, 2013 consists of the following:

- An October 10, 2013 email from Isail Wells (BPS Committee member) to Tracy Cooley (and rest of Committee) which states "Brother Charles (Charles Burgin) and I spent some time fine tuning the work from the meeting." She then lists the program framework "which will be completed by November 1st." She then states "Charles Burgin will be calling the Director of the 5000 Role Models of Excellence Program to discuss the program and ask questions. The Mentoring Committee will provide a list of questions and bases to cover to Charles for his phone call he will be making. ooo Charles and I are offering everything that is in red as a framework for our Conference call tomorrow (October 11, 2013). See exhibit # 20

36) That, in her November 12, 2013 "Committee (9)

Report" Charles Brandy states
 "None of the above ^{mentioned} information
 was provided to the Committee
 for review and discussion. Mr.
 Burgin did not participate in the
 October 12th conference call with
 the Committee and ceased all
communications. Recommendation:
 The 5000 Role Models of Excellence
 Mentoring Program is not recommended
 for implementation in Buffalo Public
 Schools in a limited or full capacity
 at this time. Specifics of the program
 core components remain unknown."
 Note for the record, at all times
 prior to his composing the blatantly
 false report of 11-12-13, Charles Brandy
 had my phone number and email address
 yet made no attempt to contact me and
 falsely states that I ceased all
communications."

37.) That, had Supt. Brown accepted the following
 documentary evidence which I offered her
 at the 12-4-13 meeting she could have
 ascertained the falsity of Charles
 Brandy's "Committee Report" of 11-12-13.

38.) — A document dated October 10, 2013 12:56 PM, sent by BPS Committee Chairman Charles Brandy to myself and other BPS Mentor Committee members "Hello everyone, our conference call is scheduled for 4:PM on Friday October 11, 2013. Please refer to conference Dial-in Number: (712) 432-1500." ^{see exhibit #21} Now contrast this with Charles Brandy's November 12, 2013 "Committee report" (now marked exhibit #18) and his assertion that "Mr. Burgin did not participate in the October 12th Conference Call with the committee and ceased all communication. Note, THERE NEVER WAS ANY CONFERENCE CALL SCHEDULED FOR OCTOBER 12, 2013. Charles Brandy's error with the dates shows lack of integrity. Now there was actually a conference call made by BPS Mentor Committee members on October 11, 2013.

39.) — A document dated October 11, 2013 at 3:39 AM Email, sent from myself to BPS Mentor Committee member Isail Wells. See middle paragraph, whereby I state "Instead of holding a conference call today,

I find it imperative that we meet to discuss the BPS Mentoring Initiative and Gail's understanding. Furthermore I'm still in process of putting together the Steering Committee which will be addressing the major issues and concerns with implementing 5000 Role Models Of Excellence Project in BPS and preparing for Congresswoman Frederica S. Wilson's visit to Buffalo - especially in light of the fact her visit will coordinate the on-going campaign to build a movement to recruit and sustain mentors etc. I do not intend to rush things and fully understand that everything cannot be done by the January 13, 2014 tentative date so I'm looking at September 2014 as a more realistic goal for implementing the 5000 Role Models of Excellence Project in BPS."

see exhibit # 21(A)

40.) — Gail Wells of BPS mentor committee responds via email dated Friday October 11, 2013 at 1:57 PM. "Hotep Brother

see exhibit # 22

Charles (Charles Burgin) Everyone who called in for the conference call felt the conference call should be cancelled and as per your suggestion be replaced with a meeting. A meeting time was identified therefore we need to know if you are available to meet next Friday on October 18th at 11 AM. The meeting would be held at the regular location. If this is not convenient for you please provide another time when you are available as we feel we cannot proceed without your ~~input~~.

46) — That my reply to Gail Wells was via Email Dated October 14, 2013 at 8:47 AM. "Is meeting, this is to inform that I am not available for a meeting on the 18th of Oct. I will be available for a meeting on Friday the 25th after 1:30 PM or from the 28th thru 31st of October after 1:30 PM. At that meeting we shall discuss the formal role of BPS Mentor Committee as regarding the 5000 Role Models of Excellence Project which has nothing to do with the

so-called Buffalo Mentor Initiative. We also shall discuss for the record, how the Steering Committee (which Councilman Predgen offered to serve in an advisory capacity) which Jim putting together to advance the objectives and implementation of 5000 Role Models of Excellence Project in BPS; along with the impact study and cost analysis which cannot be performed until after my business plan and budget has been perfected, along with other pertinent concerns and time lines."
 see exhibit # 23

42.) - That for the record, Isail Wells called me after she received my October 14, 2013 email, she stated that she would not be available to meet on the date which I offered and would be going out of town. She later sent myself and the full committee an email dated October 23, 2013 stating "I am leaving for Baltimore tomorrow morning." That is the last communication ~~see exhibit #24~~ which I received from any BPS mentor committee member. I anticipated hearing from secretary Tracey Cooley to suggest (14)

some new meeting later once
Isail Wells returned from Baltimore
Clearly Charles Brandy falsely
stated that I had "closed all
communications" with the BPS Mentor Committee

43.) Is it simply coincidence that as
soon as Charles Brandy compiled
his fraudulent letter or so-called
"committee report" of November 12, 2013
that Charles Brandy and Dr Will
Kerezy is working with
Councilman Demone Smith and
CAO Director/Block Mentors Think Tank
Director L. Nathan Hare as regarding
the funding etc of mentor programs
in BPS.
see exhibit #25

44.) Here is additional material that goes
to Charles Brandy's state of mind
on November 12, 2013 when he decided
to draft or compose his falsified
"mentor committee report". This
document relates to Charles Brandy's
relationship with Councilman Demone
Smith and his "Buffalo Mentoring
Initiative" that includes L. Nathan Hare

United

Director of CAO and Black men
 Think Tank and Sam Rodford.
 Note that when Brandy was
 first appointed by DJ Will
 Newsler to do the Impact Study
 Cost Analysis for BOE Resolution
 pertaining to 5000 Role Models of
 Excellence Project - he tried to
 join it with the "Buffalo
 Mentoring Initiative" which was
 formed by the above parties who
 associated with Charles Brandy.
 Brandy also set up a meeting
 with Demone Smith and myself
 once I made it clear that the
 5000 Role Models of Excellence
 Project was not being controlled by
 their "Buffalo Mentoring Initiative" see exhibit #26

- 45.) Further Note that there was an
 issue which I had to straighten out
 with L. Nathan Hare as he sought
 to wrest control of 5000 Role Model
 Of Excellence Project from myself
 and contacted Supt. Brown who
 stated she would only be working with
 one person who was in charge of
 5000 Role Models of Excellence Project. I

sent Mr. Hare an Email and he then sent Supt. Brown an email stating that I was the person in charge of 5000 Role Models of Excellence Project. See exhibits # 27 and # 28.

46.) A Related issue which goes to the state of mind of Charles Brown when he falsified his 11-12-13 "committed report" is his connection with Mayor Brown. The record reflects that during the month of April 2013, Mayor Brown visited the District Parent Coordinating Council in which I chair their mentor committee. I shared him documentation of the 5000 Role Models of Excellence Project and he pledged his support after signing our "Brotherman's Progress Petition For Nonviolence and Increasing Life Skills Mentoring Programs For At Risk Youth." See exhibit # 29

47.) After taking Mayor Brown at his word and visiting his office and leaving messenger several times with his secretary and not receiving any response, I wrote him a certified letter dated October 17, 2013. This

4 Page letter to Mayor Brown informed him (at page 2, paragraph # 8 at exhibit # 30) that "I'm in process of putting together a business plan along with a Steering Committee of dedicated professional people to help get everything that the program needs to succeed." On page 4, last paragraph, I also asked if Mayor Brown could have a Deputy Mayor Work with myself and the Steering Committee. Now does that sound like someone who intends to "Close all communication with the BPS Mentor Committee tasked with completing an Impact Study/Cost Analysis of 5000 Role Models of Excellence Project?" At page 3 I informed Mayor Brown that I had been to his office several times seeking either a person meeting or a letter stating he supported our initiative and would be supporting Congresswoman Frederica S Wilson when she comes to Buffalo. I also informed him that "to date I'm still awaiting your response. That over this period of time I was informed by Sam Radford that he was aware of all the work that I had done on the 5000 Role Models of Excellence Project and

that he would hate to see me left out as Councilman Demone Smith, Charles Brandy and Nate Hare were going to connect with you (Mayor Brown) to reach out to Congresswoman Wilson and bring her to Buffalo so that they could take over the 5000 Real Models of Excellence Project — In which I simply responded that Mayor Brown had already pledge his support and besides, I was already in contact with Congresswoman Wilson and her Chief of Staff. Mayor Brown since I have not heard from you after visiting your office three times and also meeting with your secretary. I'm now wondering if there is something political going on to circumvent my efforts to implement this very important generational cycle poverty reduction mentor Program to assist our at-risk minority ~~youth~~ males in Buffalo Public Schools to finish high school and graduate. see exhibit # 30.

48.) For the record, I never received a reply from the above certified letter of October 17, 2013 to Mayor Brown and certainly believe it is due to

his political relationship with Charles Brandy, Demone Smith, L. Nathan Hard and Sam Rodford who have their own "Buffala Mentor Initiative" and are dealing with Dr. Will Keresztes, head of student services for BPS. It reminds me of crabs-in-the-barrel syndrome. Especially when Mayor Brown is full of hypocrisy when it comes down to actually keeping his word to help uplift and empower our at-risk minority male students.

- 49.) As regarding Dr. Will Keresztes and his conflict of interest in being appointed by Supt Brown to be in charge of getting the Impact Study Cost Analysis done, before he passed it off to Charles Brandy and the BPS mentor committee - I had sent Supt. Brown a 3 page email dated September 3, 2013 ^{see exhibit #31} detailing the conflict of interest with her appointing Dr. Keresztes to be in charge of the impact study/cost analysis (along with Charles Brandy). At paragraph # 13 thru 20, I informed Supt Brown of the serious disputes

and issues of integrity and character exhibited by Charles Brandy and Dr. Will Keresztes while working with them on the mentor committee prior to the BOE Resolution involving the impact study / cost analysis for 5000 Role models of Excellence Project. Having received no reply from Supt. Brown after the above letter, I was forced to deal with Charles Brandy and took him at his word to forget past grievances as he was supposedly only interested in supporting my efforts to get the 5000 Role models of Excellence Project implemented in BPS. The evidence shows otherwise. See exhibit #32 which is another email I sent to Supt. Brown dated Sept 6, 2013. Note how she states "I look forward to meeting with you and the rest of the Mentoring Committee as soon as the study is completed and the Committee is Prepared To Make A Recommendation To me." Her actions certainly prove otherwise as she would not accept my documentary materials which exposed Charles Brandy. She never sent out the letter to Congresswoman Wilson

over a period of months after publicly stating she would do so. She most certainly revealed her true colors and lack of integrity when she stated to me during our December 4, 2013 meeting "How do you know that I wanted that woman (Cengizwoma Wilks) to come here in the first place."

50. Of relevance to Charles Brandy's state of mind is an email dated May 16 2013 in which he practically had resigned from the BPS Mentor Committee several months prior to his being appointed to do the import study / cost analysis. It is an email sent by Charles Brandy to myself and Esail Wells and Tracy Cooley. See exhibit # 33

51.) I then drafted a 2 page response email to Charles Brandy dated May 17, 2013. See exhibit # 34

✓ 52.) Clearly the evidence presented here shows the the due process rights of myself and the intended beneficiaries of the BOE Resolution - meritously made

students have been flagrantly violated by willful fraudulent misconduct of Board employee and a superintendent who lacks integrity and courage.

- 53.) I implore the Buffalo Board of Education to expediently use its power to address this grave situation. On December 20, 2013, I contacted Board member Dr. Hanes-Tu who serves as Board Liaison to our District Parent Coordinating Council via email and am still awaiting a reply to meet with me to help remedy this situation.
- 54.) For the record, at our December 4, 2013 meeting, I placed Supt. Brown on notice that I would appeal her negative and arbitrary decision to ignore the evidence in this case. She stated to me that the matter could not be appealed. Can someone in her position actually take the Board for granted until she can not be overruled by the Board which hired her or did

do miscalculate my resolve to
 see that justice is done when
 it comes to my advocacy on behalf
 of ~~at risk~~ minority males? My requests
 a full investigation by the
 Board and to remedy this
 situation, along with appoint
 a person of integrity and character
 to work with myself and
 community stakeholders to complete
 the BOE Resolution Cost Analysis
 Impact Study. President Obama
 recent unveiling of his program
 to uplift and empower minority
 males - My Brothers Keeper, evidence
 that what I'm fighting for in
 terms of replicating the 5000 Role
 Models of Excellence Project in Buffalo
 Public Schools essential! Man-up!
 mind-up! Stand-up! Mentor-up!

Charles Burgh

P.O. Box 1073
Buffalo, N.Y. 14201

Ellen L. Sneker 3/3/14

RECEIVED

MAR 03 2014

Office of Labor Relations
& Legal Counsel

ELLEN L. SNEKER
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 8/28/14